

Appl. No. 10/621,860
Amdt. dated December 10, 2004
Reply to Office action of September 10, 2004_

REMARKS

Reconsideration is respectfully requested. Claims 1-31 are present in the application. No claims are amended herein.

Applicants have a co-pending application, S.N. 10/621,859, entitled MOISTURE REDUCTION AND MOLD AND MOISTURE DAMAGE PREVENTATIVE SYSTEM AND METHOD IN CONSTRUCTION.

Claims -31 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the article "Moisture Testing Guide For Wood Frame Construction Clad With Exterior Insulation And Finish Systems (EIFS)". Applicants respectfully traverse.

From study of the cited article, it is clear and apparent that the document and procedures therein are related to testing exteriors of buildings that have a specific type of siding (EIFS). Study of the document shows that the testing therein is intended to be to the exterior of the buildings in question. The document is concerned only with detecting moisture intrusion on EIFS, wherein EIFS means Exterior Insulation and Finish System (emphasis added).

Considering the document, the document shows that it is exterior measurements only that are contemplated. The measurements are all made at the exterior of the building.

At page 3, the cited EIFS document notes that "typically water intrusion problems are associated with the building components and their transition to EIFS".

Appl. No. 10/621,860
Amdt. dated December 10, 2004
Reply to Office action of September 10, 2004

At page 9, under the heading "TEST PROCEDURE AND LOCATIONS", sub heading "Scanning", the cited documents states: "The scanner must remain in contact with the exterior finish while in operation . . . "

At page 9, under the sub heading "Probing", it is stated that "Probing is done in limited areas as described in this document under components like windows and doors, flashing details and penetrations . . . ". Considering the rest of the document, it becomes clear that this relates to external building measurements and testing.

The testing procedure in the document lists taking photos of the EXTERIOR of the building. Nowhere is it mentioned nor suggested that the person performing the tests would be in the interior of a building.

At page 10, item 4 - clearly the intent is to measure the exterior of the building (scan and probe every penetration, component, flashing, seam, expansion joint or crack in the lamina . . .). This refers to external structures in the EIFS system.

Page 15 of the document, which shows still further measurement locations to be tested, note that all the illustrated measurement locations shown are exterior locations only.

In view of this, applicants respectfully submit that the cited EIFS document is not concerned or related to what

Page 8 — RESPONSE (U.S. Patent Appln. S.N. 10/621,860)
[\\Files\files\Correspondence\December 2004\w333rtoa121004.doc]

Appl. No. 10/621,860
Amdt. dated December 10, 2004
Reply to Office action of September 10, 2004

applicants claim, and that the document teaches away from applicants' claims.

As noted by the Examiner, all the claims related to methods and systems for certifying at least a portion of an interior of a structure. Applicants' claims are not related to such exterior EIFS testing systems and methods as is the cited document. Applicants are concerned with certifying the interior of a building.

Accordingly, it is respectfully submitted that the cited document relied on neither teaches nor suggests applicant's claims. Further, applicants submit that the document teaches away from the claimed invention.

Applicants are commercially practicing the claimed invention, and the new home builders to whom applicants have provided the certification have been pleased and find it useful and advantageous.

Applicants submit herewith 3 letters, from Boardwalk Homes, DeCal Custom Homes and from Olsen Homes, Inc. These letters are all addressed to Home Certified Inc., which is a company practicing the applicants' invention. These letters are submitted to show the advantage and perceived usefulness provided by applicants' processes. Applicants' invention enables these home builders to build and sell homes with the added assurances that there is a lower likelihood of mold, mildew or moisture damage claims arising, and if such claims do

Appl. No. 10/621,860
Amdt. dated December 10, 2004
Reply to Office action of September 10, 2004

arise, the builders can show that the homes were certified during construction to show compliance with moisture standards, and that the moisture issues thereby likely arose after construction.

Such use of applicants' method provides an advantage to the builders, as noted for example in the Boardwalk Homes, Inc. letter wherein it is state that having applicants' Dry Score Certificate of Moisture Content brings value to their effort in selling a home. Also, the letter from Olsen Homes states that being able to certify the moisture content is of great benefit. The homebuilders can use the certification information as a benefit to the consumer, as moisture, mold and mildew issues in home construction are a great concern in the industry.

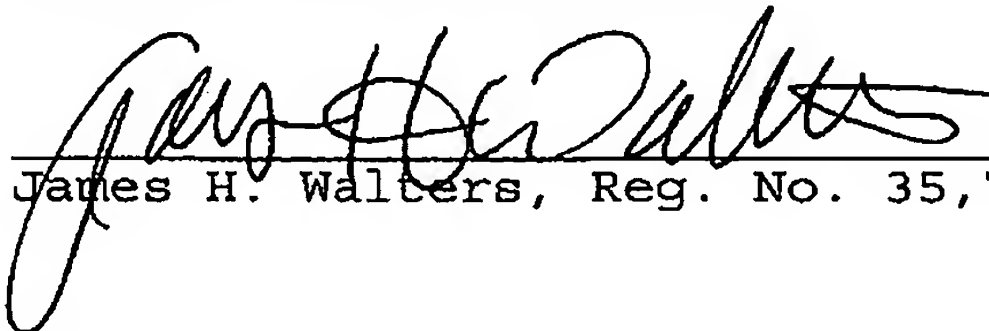
These letters are submitted to be evidence of the non-obviousness in that they recognize the benefits of using applicants' methods. Further, the builders note that this provides them with advantages and an improved product to sell. If the invention had been obvious, these builders would have been performing the inventive methods previously. However, they were not and did not consider such a process and it is applicants that have discovered and implemented the claimed processes and methods, to the improvement and advantage of the home building industry.

In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice

Appl. No. 10/621,860
Amdt. dated December 10, 2004
Reply to Office action of September 10, 2004

thereof is respectfully solicited. The Examiner is asked to
contact applicant's attorney at 503-224-0115 if there are any
questions.

Respectfully submitted,


James H. Walters, Reg. No. 35,731

Customer number 802
DELLETT AND WALTERS
P.O. Box 2786
Portland, Oregon 97208-2786 US
(503) 224-0115
DOCKET: W-333

Certification of Facsimile Transmission

I hereby certify that this correspondence is being facsimile
transmitted to the Patent and Trademark Office on this December 10,
2004.

